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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

February 3, 2004

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Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Room CY-B402  
Washington, D.C. 20554

Re **Notice of Ex Parte Presentation**  
**CC Docket Nos. 96-262 and 01-92**

Dear Ms. Dortch:

On Monday, February 2, 2004, the undersigned attorney, on behalf of ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom"), discussed the petition for declaratory ruling submitted by US LEC Corporation in the above-referenced proceedings with Mr. Christopher Libertelli in Chairman Powell's office and with Ms. Lisa Zaina in Commissioner Adelstein's office. In addition, the undersigned attorney spoke with Mr. Scott Bergmann of the Wireline Competition Bureau on this same matter on January 30, 2004. These discussions concerned the issue whether any ruling by the Commission in this matter should apply to the conduct at issue, or whether it should apply on a prospective basis only.

Please direct any inquiries to the undersigned attorney.

Sincerely,

  
Robert J. Aamoth

cc C. Libertelli  
L. Zaina  
S. Bergmann

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